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10/054,657	01/22/2002	Edwin Bogner	ITW 13127	9442

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EXAMINER

MCHENRY, KEVIN L

ART UNIT PAPER NUMBER

1725

DATE MAILED: 07/08/2003

*lp*

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/054,657

Applicant(s)

BOGNER ET AL.

Examiner

Kevin L McHenry

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-32 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other:  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 5, 12, 15, 16, 21, 25, and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 05-318,117.

JP 05-318,117 teaches a welding-type power supply that has a drawer disposed inside of the welding-type power supply so that the drawer is movable in and out of the supply. JP 05-318,117 teaches that drawer can be removed from the supply. The supply has a chassis with a top panel and the drawer is disposed below the top panel by sliding through an opening in the front panel of the supply (see JP 05-318,117; particularly abstract and Figures 7 and 8).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 1, 4, and 25 are rejected under 35 U.S.C. 102(a) as being anticipated by Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide.

The Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide teaches a welding-type power supply with a storage drawer disposed inside of the power supply.

The supply has a top panel and the drawer is disposed below the top panel so that the drawer is integrated into the supply (see Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide; particularly section 5, slide 13).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-6, 11-15, 20, 25, 26, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colella (U.S.P. 6,051,809) in view of Brofft et al. (U.S. 2002/0163196).

Colella teaches a welding power supply that includes a storage compartment within the housing of the power supply. The compartment is located at the top of the welding power supply beneath a top panel of the power supply. A control panel is included in the power supply and the storage compartment is disposed above at least a portion of the control panel. The storage compartment has a shelf that prevents contents from falling into the welding power supply and the shelf is configured to accept a torch that is usable with the power supply. Colella teaches that an accessory, such as a welding torch, can be retrieved from the compartment for use with the power supply and that once work is done the accessory is stored in the storage area (see U.S.P. 6,051,809; particularly Figures 1 and 3; column 2, lines 22-29; column 3, lines 15-24;

column 4, lines 6-31). The examiner notes that claims 3 and 14 do not specify that the control panel is on the same side of the power supply housing.

Colella does not teach that the storage compartment has a drawer.

Brofft et al. teach a welding power supply in which a drawer is used for storage (see U.S. 2002/0163196; particularly paragraphs 19 and 29).

It would have been obvious to one of ordinary skill in the art at the time that the applicant's invention was made to have modified the power supply of Colella by the teachings of Brofft et al. to use a drawer as a storage device. One of ordinary skill in the art would have been motivated to do so in light of advantages of drawers and cabinets as storage devices.

7. Claims 7-9, 16-19, 21-24, and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Colella (U.S.P. 6,051,809) in view of Brofft et al. (U.S. 2002/0163196) as applied to claims 1-6, 11-15, 20, 25, 26, 31, and 32 above, and further in view of Alfaro (U.S.P. 5,927,839).

The former references teach the power supply taught above in section 6. However, these references do not teach that the power supply includes a tray that is connected to the drawer by slides.

Alfaro teaches a storage device with drawers that can be used to store and organize tools. The drawers are disposed within the housing of the storage device and trays are disposed within the drawers. The trays are connected to the drawers by rails that the trays slide upon and the drawers are connected to the housing by slides. The trays also have front and rear walls which would prevent contents from falling out of the

tray. Alfaro teaches that this drawer configuration provides maximum usage and versatility of its storage space.

It would have been obvious to one of ordinary skill in the art at the time that the applicant's invention was made to have modified the power supply taught above by the teachings of Alfaro. One would have been motivated to do so in order to provide maximum usage and versatility of its storage space.

8. Claims 5, 11, 12, 15, 16, 20-24, 26, and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide as applied to claims 1, 4, and 25 above.

The Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide teaches the welding-type power supply as noted above in section 4. This Sales Guide also teaches that the storage drawer will fit a helmet, gloves, or a foot pedal, and that the drawer fits through an opening in the front panel of the power supply. Being that the storage means is a drawer, the contents of the drawer would be prevented from spilling into the power supply by the bottom of the drawer. However, this reference does not teach that the drawer slides, is movable, or that the drawer is sized to accommodate a torch. Nor does the reference teach that the drawer is removable from the supply.

It would have been obvious to one of ordinary skill in the art at the time that the applicant's invention was made to have made the drawer in the supply taught by the Sales Guide to have been movable and slidable in and out of the supply so that one could access and store the accessories stored in the drawer, such as the helmet, gloves, or foot pedal taught by the Sales Guide. One of ordinary skill in the art would recognize that if



the drawer is sized to fit a helmet that the drawer is large enough to fit a welding torch since a torch would be relatively the same size or smaller. One of ordinary skill in the art would recognize that the drawer is removable from the supply since a drawer can be normally removed from the tracks or slides that it travels on by simply pulling the drawer out of the tracks or slides, or by disassembling the moving means that the drawer travels on.

9. Claims 7-9, 18, 19, and 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide as applied to claims 1, 4, 5, 11, 12, 15, 16, 20-26, and 30-32 above, and further in view of Alfaro (U.S.P. 5,927,839).

The former references teach the power supply taught above in section 8. However, these references do not teach that the power supply includes a tray that is connected to the drawer by slides.

Alfaro teaches a storage device with drawers that can be used to store and organize tools. The drawers are disposed within the housing of the storage device and trays are disposed within the drawers. The trays are connected to the drawers by rails that the trays slide upon and the drawers are connected to the housing by slides. The trays also have front and rear walls which would prevent contents from falling out of the tray. Alfaro teaches that this drawer configuration provides maximum usage and versatility of its storage space.

It would have been obvious to one of ordinary skill in the art at the time that the applicant's invention was made to have modified the power supply taught above by the

teachings of Alfaro. One would have been motivated to do so in order to provide maximum usage and versatility of its storage space.

### ***Allowable Subject Matter***

10. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or suggest a welding-type power supply with a drawer disposed inside of the welding-type power supply wherein the a lift eye supports the drawer in the power supply.

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Borchardt et al. (U.S.P. 6,137,080) is cited of interest for illustrating the state of the art in welding power supply design.

### ***Response to Arguments***

13. Applicant's arguments filed 14 April 2003 have been fully considered but they are not persuasive.

The examiner notes that the previous rejection has been changed and that new rejections regarding JP 05-318,117 and the Lincoln Electric: Precision TIG 275 & 375 Product Sales Guide have been made.



The examiner notes that the applicant has argued against the previously cited references individually, particularly that Colella does not teach a drawer and that the drawer of Brofft et al. is not located inside of the power supply housing. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The examiner further notes that Colella teaches a storage compartment inside of the power supply housing and that Brofft et al. teach a storage drawer that is combined with a power supply. Therefore, the combined teachings of these references read upon the claimed limitations of the storage drawer claimed by the applicant.

The argument by the applicant that storage compartment of Colella is on the opposite side of the power supply and is not at least partially above the control panel is unpersuasive. The examiner notes that the applicant does not claim that the control panel is directly above the storage compartment or that the control panel is on the same side or end of the power supply as the storage compartment. Therefore, when considering the claimed limitations in their broadest sense, at least a portion of the storage compartment is above at least a portion of the control panel.

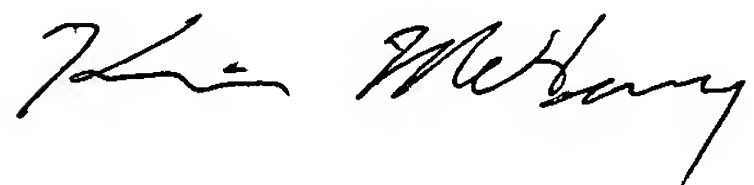
The argument by the applicant that the drawers taught by the references noted above are not inside of the power supply or are integrated with the power supply is unpersuasive. As taught by the references noted above, the drawers are accommodated in a space within the power supply. In the case of Colella and Brofft et al., although the drawer is fitting underneath of the power supply between its legs, it is still being

accommodated within a space provided by the power supply and is fitting inside of the power supply. The limitations of "inside" and "integrated" are broad terms and that the teachings of Colella and Brofft et al. read upon the claimed limitations in their broadest sense. The examiner notes that the applicant appears to be arguing that the drawer should be integrated in or should be located inside of the housing of the power supply. However, the applicant has not claimed that the drawer is located inside of or is integrated inside of the housing of the power supply.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin L McHenry whose telephone number is (703) 305-9626. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G Dunn can be reached on (703) 308-3318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



July 1, 2003



M. ALEXANDRA ELVE  
PRIMARY EXAMINER